

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NICHOLAS ZIMMERMAN,

Plaintiff,

v.

DECISION AND ORDER
12-CV-763A

SOCIAL WORKER RICHARD PAUTZ, et al.,

Defendants.

This case was referred to Magistrate Judge Leslie G. Foschio pursuant to 28 U.S.C. § 636(b)(1)(B). On June 20, 2017, Magistrate Judge Foschio filed a Decision and Order (Dkt. No. 47) denying plaintiff's request (Dkt. No. 43) for access to a law library, for the scheduling of additional phone calls, and for visits with individuals who could aid in preparation of plaintiff's case. On August 9, 2017, Magistrate Judge Foschio filed a second Decision and Order (Dkt. No. 60) denying plaintiff's motion to compel discovery (Dkt. No. 48).

A magistrate judge's non-dispositive orders, such as the ones at issue here, "may [be] reconsider[ed] . . . where it has been shown that the . . . order is clearly erroneous or contrary to law." 28 U.S.C. §636(b)(1)(A). *See also Sealed Plaintiff No. 1 v. Sealed Defendant No. 1*, 221 F.R.D. 367, 368 (N.D.N.Y. 2004) ("Magistrate judges are given broad discretion with respect to discovery disputes which should not be overruled absent a showing of clear abuse of discretion.") Upon such review, and after reviewing the record and the submissions from the parties, the Court affirms Judge Foschio's Orders.

In addition, the Plaintiff's request to re-assign this case to a different magistrate judge (Dkt. No. 62 at 6) is denied.

The case is referred back to Magistrate Judge Foschio for further proceedings.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: November 3, 2017